

1 RICK EICHSTAEDT (WSB # 36487)
2 CENTER FOR JUSTICE
3 35 West Main Ave, Suite 300
4 Spokane, WA 99201
5 Telephone: (509) 835-5211
eichstaedt@gonzaga.edu

6 DREW A. HARKER (*pro hac vice*)
7 ANNE W. PEARLMAN (*pro hac vice*)
8 ARNOLD & PORTER KAYE
9 SCHOLER LLP
601 Massachusetts Avenue, NW
Washington, DC 20001
Telephone: 202.942.5000
Facsimile: 202.942.5999
Drew.Harker@arnoldporter.com
Anne.Pearlman@arnoldporter.com

12 *Attorneys for Plaintiffs*

15 UNITED STATES DISTRICT COURT
16 EASTERN DISTRICT OF WASHINGTON
17 SPOKANE DIVISION

18 PLANNED PARENTHOOD OF GREATER
19 WASHINGTON AND NORTH IDAHO;
20 PLANNED PARENTHOOD OF THE
21 GREAT NORTHWEST AND THE
HAWAIIAN ISLANDS; and PLANNED
PARENTHOOD OF THE HEARTLAND,

21 Plaintiffs,

22 v.

23 U.S. DEPARTMENT OF HEALTH AND
24 HUMAN SERVICES; ALEX MICHAEL
AZAR II in his official capacity
as Secretary of the U.S.
25 Department of Health and Human Services;
26 and VALERIE HUBER in her official
27 capacity as Senior Policy Advisor for the
Office of the Assistant Secretary for Health at
the Department of Health and Human
Service,

28 Defendants.

Case No. 2:18-cv-00207-TOR

**[PROPOSED] ORDER
GRANTING MOTION FOR
PRELIMINARY OR
PERMANENT INJUNCTION
AND SUMMARY JUDGMENT**

1 This matter having come before the Court on Plaintiffs' Motion for
2 Preliminary or Permanent Injunction and Summary Judgment, and the Court
3 having reviewed the files and pleadings herein, and the Court having been fully
4 advised, and for good cause shown, the Court finds as follows:

5 Plaintiffs challenge the U.S. Department of Health and Human Services'
6 (HHS) decision to implement the 2018 Tier 1 and Tier 2 Funding Opportunity
7 Announcements on the basis that HHS's actions are contrary to law, arbitrary and
8 capricious, *ultra vires*, and an unlawful augmentation of funds in violation of 31
9 U.S.C.A. § 1301(a). Plaintiffs seek preliminary or permanent injunction
10 preventing HHS from implementing the 2018 Tier 1 and Tier 2 Funding
11 Opportunity Announcements.

12 Plaintiffs have established a substantial likelihood of success on the merits
13 of their claims. Plaintiffs are likely to succeed on their claims that HHS's actions
14 are arbitrary and capricious, contrary to law, *ultra vires*, and unlawful
15 augmentations of funds. If permitted to stand, HHS's actions will cause significant
16 and irreparable harm to Plaintiffs, as well as the communities they serve through
17 the TPP Program. By contrast, Defendants will not be harmed by the issuance of a
18 preliminary injunction that merely maintains the status quo and ensures relief is
19 available for Plaintiffs. Moreover, the public interest will also be served by
20 preservation of the status quo during the litigation, as an injunction will allow
21 Plaintiffs to continue to provide their services to communities in need.

22 IT IS HEREBY ORDERED:

23 Plaintiffs' Motion for Preliminary Injunction is GRANTED. Defendants are
24 immediately:

25 1. Enjoined from implementing the 2018 Tier 1 and Tier 2 Funding
26 Opportunity Announcements.

1 IT IS FURTHER ORDERED that there is no requirement of any bond and
2 that this injunctive relief is effective upon service.

3 IT IS SO ORDERED.

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6 DATED this ____ day of July, 2018.

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10 UNITED STATES DISTRICT JUDGE
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